IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

MONDAY, THE 1ST OCTOBER 2007 / 9TH ASWINA 1929

LA.App..No. 858 of 2003(D)

LAR.310/2000 of PRL.SUB COURT, KOZHIKODE
.....

APPELLANT: RESPONDENT:

STATE OF KERALA.

BY GOVERNMENT PLEADER SRI K.V.MANOJ

RESPONDENTS: CLAIMANTS:
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1. KAMALAKSHI,
NADANGALTHODI, NELLIKODE, KOZHIKODE.

2. DIVAKARAN,
NADANGALTHODI, NELLICODE, KOZHIKODE.

3. LEELA,
NADANGALTHODI, NELLICODE, KOZHIKODE.

BY ADV. SRI.P.V.KUNHIKRISHNAN

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 01/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

I.A. 412 OF 2003
IN
L.A.A. 858 OF 2003
.....

DISMISSED

1.10.2007 ID/- KURIAN JOSEPH, JUDE

ID/- HARUN-UL-RASHID, JUDGE.

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A.No.858 of 2003 & Cross-objection 91/2004

Dated: October 1, 2007

JUDGMENT

Kurian Joseph, J.

L.A.A.No.858 of 2003

This is an appeal filed by the State against the judgment in LAR No.310/2000 on the file of the Sub Court, Kozhikode. There is also a cross-objection by the claimants. The acquisition is for the purpose of National Highway Byepass, Kozhikode. In view of the judgment in LAA No.546/2003, there is no merit in the appeal filed by the State; whereas the claimants are entitled to enhancement of land value.

Cross-objection 91/2004

This court has granted Rs.75,000/- per cent for the garden land and Rs.60,000/- per cent for the wet land. It is seen that the claim is limited to Rs.50,000/- per cent for garden land and Rs.40,000/- per cent for the wet land. Therefore, the Cross-objection is allowed. The claimants will be entitled to have the land value fixed at Rs.50,000/- and Rs.40,000/- respectively for the garden land and the wet land and consequential statutory benefits.

KURIAN JOSEPH, JUDGE

HARUN-UL-RASHID, JUDGE

mt/-

KURIAN JOSEPH &
HARUN-UL-RASHID, JJ.

L.A.A.No.858 of 2003 &
Cross-objection 91/2004

JUDGMENT

1.10.2007